

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88
ECF Case

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This document relates to the following case:

City of New York v. Amerada Hess Corp., et al.
Case No. 04 Civ. 3417

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**PLAINTIFF CITY OF NEW YORK'S NOTICE OF MOTION AND
MOTION *IN LIMINE* NO. 4 TO EXCLUDE EVIDENCE AND
ARGUMENT RELATING TO THE RISKS, TOXICITY OR ANY OTHER
PROPERTIES OF ANY NON-MTBE SUBSTANCE**

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on May 11, 2009, at the United States Courthouse at 500 Pearl Street, New York, New York 10007, before the Hon. Shira A. Scheindlin, United States District Judge, Plaintiff the City of New York hereby moves this Court *in limine* to enter an Order that Defendants shall not make reference to, offer any evidence regarding, or make any argument that common substances to which an individual might be exposed over the course of a lifetime are more risky, comparably risky, or more or comparably harmful to health relative to MTBE.

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WHEREFORE, Plaintiff respectfully requests that the Court enter an Order granting the relief set forth in this Motion. In support of its Motion, Plaintiff relies upon the Memorandum of Law and the Declaration of Marnie E. Riddle filed concurrently herewith, and the pleadings, records and files in this action. Plaintiff requests an oral hearing on this Motion.

Dated: San Francisco, California
May 11, 2009

Respectfully submitted,

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/s/ MARNIE E. RIDDLE
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LESLEY E. WILLIAMS (LW8392)
NICHOLAS G. CAMPINS (*pro hac vice*)
MARNIE E. RIDDLE (*pro hac vice*)

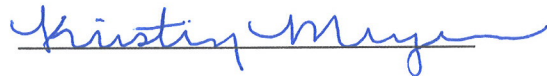
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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the following documents were served on Liaison Counsel via Electronic Mail, and on all counsel of record by posting them directly to CM/ECF and LexisNexis File & Serve on the 11th day of May, 2009:

- 1) **PLAINTIFF CITY OF NEW YORK'S NOTICE OF MOTION AND MOTION *IN LIMINE* NO. 4 TO EXCLUDE EVIDENCE AND ARGUMENT RELATING TO THE RISKS, TOXICITY OR ANY OTHER PROPERTIES OF ANY NON-MTBE SUBSTANCE**
- 2) **MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF CITY OF NEW YORK'S MOTION *IN LIMINE* NO. 4 TO EXCLUDE EVIDENCE OR ARGUMENT RELATING TO THE RISKS, TOXICITY OR ANY OTHER PROPERTIES OF ANY NON-MTBE SUBSTANCE**
- 3) **[PROPOSED] ORDER GRANTING PLAINTIFF CITY OF NEW YORK'S MOTION *IN LIMINE* NO. 4 TO EXCLUDE EVIDENCE AND ARGUMENT RELATING TO THE RISKS, TOXICITY OR ANY OTHER PROPERTIES OF ANY NON-MTBE SUBSTANCE**
- 4) **DECLARATION OF MARNIE E. RIDDLE IN SUPPORT OF PLAINTIFF CITY OF NEW YORK'S MOTION *IN LIMINE* NO. 4 TO EXCLUDE EVIDENCE OR ARGUMENT RELATING TO THE RISKS, TOXICITY OR ANY OTHER PROPERTIES OF ANY NON-MTBE SUBSTANCE**



KRISTIN MEYERS